

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

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|-------------------------------|---|--------------------------------------|
| UNITED STATES OF AMERICA, |) | |
| |) | |
| Plaintiff, |) | Civil Action No. 1:21-cv-640-ALM-KLL |
| |) | |
| v. |) | Hon. Algenon L. Marbley |
| |) | |
| ALTIVIA PETROCHEMICALS, LLC., |) | |
| |) | |
| Defendant. |) | |

UNITED STATES OF AMERICA’S
NOTICE OF LODGING OF PROPOSED CONSENT DECREE

Plaintiff United States of America by and through its undersigned attorneys, respectfully lodges the attached proposed Consent Decree with this Court.

1. Plaintiff United States of America filed a complaint in this matter against ALTIVIA Petrochemicals, LLC (“Defendant”) pursuant to Clean Air Act (CWA) Section 113(b), 42 U.S.C. § 7413(b), for injunctive relief and civil penalties for violations at Defendant’s facility in Haverhill, Ohio.

2. The parties have entered into a proposed Consent Decree, which has been signed by authorized representatives of the United States and Defendant.

3. The Court should not enter the attached proposed Consent Decree until the public has had an opportunity to comment and the United States has addressed those comments, if any.

4. In accordance with 28 C.F.R. § 50.7 (1996), following the lodging of the proposed Consent Decree, the United States Department of Justice will publish notice of the Consent Decree in the Federal Register to commence a 30-day comment period.

5. If the United States receives any public comments, it will consider and file with the Court any written comments on the proposed Consent Decree along with the United States' response to those comments.

6. The United States may withdraw or withhold its consent to the proposed Consent Decree if the comments disclose facts or considerations which indicate that the proposed Consent Decree is improper, inappropriate, inadequate, or not in the public interest.

7. At the conclusion of the public comment period, the United States will either: (1) notify the Court of its withdrawal of the proposed Consent Decree, or (2) respond to any comments received and move this Court to enter the proposed Consent Decree.

8. This commenting procedure is also identified and articulated in the proposed Consent Decree itself. See Consent Decree, Paragraph No. 115.

Wherefore, the United States respectfully gives notice of the lodging of the proposed Consent Decree.

Respectfully submitted,

FOR THE UNITED STATES OF AMERICA

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U.S. Department of Justice

/s Jeffrey A. Spector, Trial Attorney
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing *United States of America's Notice of Lodging of Proposed Consent Decree* was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by U.S. mail or email. Parties may access this filing through the Court's system.

9/22/22

Date

s/ Jeffrey A. Spector

Jeffrey A. Spector